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EXAMINER

NGUYEN, MAIKHANH

ART UNIT

PAPER NUMBER

2176

MAIL DATE

DELIVERY MODE

11/14/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/007,315

Applicant(s)

NGUYEN ET AL.

Examiner

Maikhanh Nguyen

Art Unit

2176

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09/07/2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-64 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-64 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

1. This action is responsive to Appeal Brief filed 09/07/2007.

Claims 1-64 are currently pending in this application. Claims 1, 33, and 49 are independent claims.

In view of the Appeal Brief filed on 09/07/2007, PROSECUTION IS HEREBY REOPENED. A new ground of rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

- a) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,
- (2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below.



DOUG HUTTON
SUPERVISORY PATENT EXAMINER

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 21 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 21, the phrase “may be” renders the claim indefinite because it is unclear whether the limitation(s) following the phrase are part of the claimed invention.

See MPEP § 2173.05(d). The resulting claim does not clearly set forth the metes and bounds of the patent protection desired. The use of similar exemplary language “for example” or “such as” was found to be indefinite in the following cases: Ex parte Hall, 83 USPQ 38 (Bd. App. 1949); Ex parte Hasche, 86 USPQ 481 (Bd. App. 1949); Ex parte Steigerwald, 131 USPQ 74 (Bd. APP. 1961).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 1-10, 12-21, 23-40, 42-56, and 58-64 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Bezos et al.** (US 6029141, Date of Patent: 02/22/2000) in view of **Goedken** (US 2002/0082960, Pub. Date: 06/27/2002).

As to claim 1:

Bezos teaches a method for providing enterprise event marketing and management automation (*e.g., an Internet-based referral system that enables individuals and other business entities ("associates") to market products... The system includes automated registration software that runs on the merchant's Web site to allow entities to register as associates*) [see the Abstract] comprising the steps of:

- providing a website (*e.g., the merchant's Web site*) including online tools (*e.g., provides various functionality/includes enrollment software/includes software for automating the primary functions of doing business*) for event marketing and management (*e.g., efficiently market and sell goods in cooperation with Web sites*)

- or other network sites of respective business partners) [col. 1, line 50-61; col. 3, lines 8-25; col.6, lines 1-20; and col.9, lines 40-53];*
- allowing a user in communication with the website to create a plurality of event pages describing an event and a registration page associated with the event utilizing the online tools, each of the plurality of event pages being targeted to one of a plurality of particular groups, each of the plurality of participant groups comprising one or more participants, the event pages including a link to the registration page [*e.g., the merchant Web site 106 includes automated enrollment software (FIG. 1) for allowing an entity to apply, via the Internet, to operate as an associate... the automated generation and assignment of a unique associate ID (also referred to herein as the "store ID") to an applicant, and (iv) the automated electronic transmission of referral link embedding instructions to the applicant...the enrolling associate is not required to have an established Web site at the time of enrollment...the computer program 144 automatically formats and transmits an electronic mail message to the e-mail address of the approved associate. This electronic mail message provides detailed information about setting up an associate's Web site, including instructions on how to create HTML documents with referral links. These instructions specify a predefined format for embedding the store ID and unique product IDs with the HTML link structures; col. 9, lines 41-col.10, line 62];*
 - forwarding the registration page to the first participant to be completed and returned in response to the first communication [*e.g., the applicant is presented*

with an online business agreement (in the form of a Web page) that sets forth the terms and conditions of doing business with the merchant. In addition, the applicant is presented with an online form that requests various information, such as the name, payment address and e-mail address of the applicant and a description of the proposed associate Web site; col. 2, lines 19-32, and col. 9, line 41-col. 10, line 37];

- *forwarding the registration page to the second participant to be completed and returned in response to the first communication (e.g., once the electronic application form 204 is completed by the enrolling associate, it is sent from the associate's computer 200 to the merchant Web server 132 for further processing) [col.9, line 40];*
- *receiving the registration page and in response thereto communicating a confirmations the first and the second participants (e.g., in response to submission of the enrollment form, the merchant Web server 132 initiates a computer program 144 comprising enrollment software that processes the information contained on the electronic application form 208. ...the enrollment software automatically accepts the application... Next, the computer program 144 automatically formats and transmits an electronic mail message to the e-mail address of the approved associate) [col.10, lines 18-67]; and*
- *communicating to the user the information received from the first and second participants (e.g., the computer program 144 automatically formats and transmits an electronic mail message to the e-mail address of the approved associate. This*

electronic mail message provides detailed information about setting up an associate's Web site, including instructions on how to create HTML documents with referral links. These instructions specify a predefined format for embedding the store ID and unique product IDs with the HTML link structures. Upon receipt of the special linking instructions, the associate can begin to build the content (catalog documents) of the associate's Web site, including the descriptions of the products to be featured on the site. An associate can begin to refer customers to the merchant Web site 106 at anytime; col.11, lines 1-26).

Bezos, however, does not specifically teach forwarding a first event page of the plurality of event pages to a first participant of a first particular group to a participant to enable the first participant to establish a first communication with the registration page utilizing the link and forward a second event page of the plurality of event pages to a second participant of a second particular group to enable the second participant to establish a second communication with the registration page utilizing the link, the first event page being different from the second event page, the first particular group being different from the second particular group.

Goedken teaches forwarding a first event page of the plurality of event pages to a first participant of a first particular group to a participant to enable the first participant to establish a first communication with the registration page utilizing the link (*e.g., [T]he associate forward the request to a merchant and optionally keeps a record of the request*

... [T]he associate optionally requests for info from a first merchant (e.g., the merchant's product description, price, availability, etc.) and forward a second event page of the plurality of event pages to a second participant of a second particular group to enable the second participant to establish a second communication with the registration page utilizing the link, the first event page being different from the second event page, the first particular group being different from the second particular group (e.g., [T]he associate forward the request to a merchant and optionally keeps a record of the request... [T]he associate optionally requests for info from a second merchant (e.g., the merchant's product description, price, availability, etc.) [see Figs. 5-7 and the associated text].

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Brandt with Goedken because Goedken's teaching would have facilitated marketing and selling goods via the Internet or other interactive network and allowed the task of marketing the merchant's products to be efficiently distributed among entities that have established reputations and exposure within their respective fields.

As to claim 2:

Bezos teaches associating a fee with the event (*e.g., collecting payment ... transaction processing; col. 6, lines 31-58 and col. 11, lines 27-62*).

As to claim 3:

Bezos teaches the fee for the event is requested from the first and second participants in response to receiving the registration page (*e.g., because the merchant Web site 106 includes software for automating the primary functions of doing business with associates (such as associate enrollment, referral transaction processing, and commission tracking and payment), the architecture allows the merchant to do business with large numbers (e.g., thousands) of associates with minimal supervision by the merchant*) [col.6, lines 12-58).

As to claim 4:

Bezos teaches querying the first and second participants for information associated with participant attendance to the event (*e.g., the enrollment software generates a unique store ID to be assigned to the associate. In addition, the enrollment software creates a database entry corresponding to the enrolling associate and stores the store ID and the information provided by the enrolling associate as a unique entry in an associate database 160. The database may be any type of data repository including, for example, an SQL table or ASCII text file. This database entry allows the merchant Web site 106 to properly track and credit associate referrals; col.10, lines 18-32).*

As to claim 5:

Bezos teaches previously created event pages are utilized for creating at least one of new events and new registration pages *[e.g., a preferred format of a URL 400 used by an associate to create a referral link to the merchant Web site ... that runs on the merchant Web site. The URL 400 comprises the merchant Web server information 402, the unique product ID 404, the unique store ID 406, and an associate commission scheme ID 408. The unique store ID 406 represents the information created and stored in the associate's database during the associate enrollment process described above.... Upon receipt of the special linking instructions, the associate can begin to build the content (catalog documents) of the associate's Web site, including the descriptions of the products to be featured on the site. An associate can begin to refer customers to the merchant Web site 106 at anytime; col.11, lines 1-26].*

As to claim 6:

Bezos teaches storing a contact file of the user *(e.g., The application requests information about the enrolling associate... and the e-mail address of the enrolling associate...the enrollment software creates a database entry corresponding to the enrolling associate and stores the store ID and the information provided by the enrolling associate as a unique entry in an associate database 160; col.10, lines 9-17).*

As to claim 7:

Bezos teaches the first and second participants are selected from the contact file (*e.g., the enrollment software generates a unique store ID to be assigned to the associate. In addition, the enrollment software creates a database entry corresponding to the enrolling associate and stores the store ID and the information provided by the enrolling associate as a unique entry in an associate database 160. The database may be any type of data repository including, for example, an SQL table or ASCII text file. This database entry allows the merchant Web site 106 to properly track and credit associate referrals; col.10, lines 38-67).*

As to claim 8:

Bezos teaches the stored file is imported from another source [*e.g., Upon receipt of the special linking instructions, the associate can begin to build the content (catalog documents) of the associate's Web site, including the descriptions of the products to be featured on the site. An associate can begin to refer customers to the merchant Web site 106 at anytime; col.11, lines 16-26].*

As to claim 9:

Bezos teaches exporting the contact file [*e.g., the catalog document 120 comprises a graphic icon 600 that is a scaled-down replica of an actual book cover. The graphic icon 600 also functions as a hyperlink, allowing the customer to click on the icon with a*

mouse in order to link to the merchant Web site 106. The document 120 includes the title 602 and author of the book 604, and includes an editorial description and recommendation of the book 606 from the associate. The catalog document 120 also contains another textual hyperlink 608, allowing the customer to link to the merchant Web site 106 and initiate referral transaction processing. Typically, the associate's product catalog (which may include multiple catalog pages) contains several referral links (with different product IDs), each corresponding to a different product sold by the merchant; col.11, lines 43-62].

As to claim 10:

Bezos teaches generating participant parameters, wherein the first and second participants are forwarded the event page according to the participant parameters (e.g., the enrollment software generates a unique store ID to be assigned to the associate. In addition, the enrollment software creates a database entry corresponding to the enrolling associate and stores the store ID and the information provided by the enrolling associate as a unique entry in an associate database 160. The database may be any type of data repository including, for example, an SQL table or ASCII text file. This database entry allows the merchant Web site 106 to properly track and credit associate referrals; col.10, lines 38-67).

As to claim 12:

Bezos teaches a registration template is utilized to create the registration page (*col.9, lines 41-52*).

As to claim 13:

Bezos teaches grouping a plurality of events under a single event (*e.g., a hyperlink may be provided for a group of products; col.7, lines 6-40*).

As to claim 14:

Bezos teaches the event has a maximum participant capacity associated therewith (*col. 10, lines 38-67*).

As to claim 15:

Bezos teaches presenting the first and second participants with the option of being waitlisted where maximum capacity has been reached (*col. 10, lines 38-67*).

As to claim 16:

Bezos teaches user receives a notification when a predetermined percentage of maximum participant capacity is reached (*col. 11, lines 28-62*).

As to claim 17:

Bezos teaches the user is allowed to modify the maximum participant capacity in response to the notification (*col. 11, lines 28-62*).

As to claim 18:

Bezos teaches the confirmation includes a ticket for admission to the event (*col. 12, lines 14-51*).

As to claim 19:

Bezos teaches generating a report about the event for at least one of the user and the first and second participants (*col. 16, lines 10-41*).

As to claim 20:

Bezos teaches the report includes information pertaining to, among other things, profiling (*e.g., set up a report profile; col. 16, lines 10-41*).

As to claim 21:

Bezos teaches the report may be generated according to at least one of a schedule (*e.g., the report on a daily, weekly; col. 16, line 10-41*).

As to claim 23:

Bezos teaches providing the user with data for tracking at least one of expenses (*e.g., The merchant Web site includes credit generation software for calculating associate referral credit. Referral credit may be calculated in any of a number of ways depending on the associate and merchant business relationship, and may be provided to the associate on a periodic basis, such as at the end of each calendar quarter. For example, the associate may be paid a fixed percentage of the list selling price. As indicated above, commission payments may be made automatically using an appropriate electronic payment method; col.7, lines 6-40*).

As to claim 24:

Bezos teaches grouping one or more events into event categories (*e.g., a hyperlink may be provided for a group of products; col.15, line 61-col.16, line 9*).

As to claim 25:

Bezos teaches providing to the first and second participants at least one of accommodation information and travel information (*see the discussion beginning at col. 11, line 28*).

As to claim 26:

Bezos teaches organizing participants into the plurality of participant groups (*e.g., a hyperlink may be provided for a group of products*) [see the discussion beginning at col.15, line 61].

As to claim 27:

Bezos teaches assigning a first type to the first participant and a second type to the second participant (*see the discussion beginning at col. 10, line 18*).

As to claim 28:

Bezos teaches providing at least one of specified travel and accommodations according to participant type (*see the discussion beginning at col. 9, line 41*).

As to claim 29:

Bezos teaches assigning a first login to the first participant and a second login to the second participant (*see the discussion beginning at col. 9, line 54*).

As to claim 30:

Bezos teaches forwarding a survey to the first and second participants (*see the discussion beginning at col. 10, line 50*).

As to claim 31:

Bezos teaches receiving information related to a guest of the first or second participant on the registration page [*e.g., see the registration discussion beginning at col.9, line 41*].

As to claim 32:

Bezos teaches travel can be arranged utilizing an online booking system (*see the discussion beginning at col. 11, line 28*).

As to claims 33-40, 42, and 43:

Refer to the rejection of claims 1-7, 10, 12, and 19 above, respectively. Claims 33-40, 42 and 43 are the same as claims 1-7, 10, 12, and 19, except claims 33-40, 42 and 43 are system claims and claims 1-7, 10, 12, and 19 are method claims.

As to claims 44-48:

Refer to the rejection of claims 14-18, respectively. Claims 44-48 are the same as claims 14-18, except claims 44-48 are system claims and claims 14-18 are method claims.

As to claims 49-56, 58, and 59:

Refer to the rejection of claims 1-7, 10, 12, and 19, respectively. Claims 49-56, 58, and 59 are the same as claims 1-7, 10, 12, and 19, except claims 49-56, 58, and 59 are computer readable medium claims and claims 1-7, 10, 12, and 19 are method claims.

As to claims 60-64:

Refer to the rejection of claims 14-18, respectively. Claims 60-64 are the same as claims 14-18, except claims 60-64 are computer readable medium claims and claims 14-18 are method claims.

5. Claims 11, 22, 41, and 57 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Bezos et al.** in view of **Goedken** as applied to claims 1, 33, and 49 above, and further in view of **Yokell et al.** (US 6,507,870).

As to claims 11, 41, and 57:

The combination of **Bezos** with **Goedken** does not specifically teach associating a promotion code with the event in accordance with instructions from the user.

Yokell teaches associating a promotion code with the event in accordance with instructions from the user (*e.g., Customer completes order form including optional promotion code*) [see the discussion beginning at col.6, line 30].

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of **Yokell** with **Bezos** as modified by **Goedken** because **Yokell's** teaching would have allowed the task of marketing the merchant's products to be efficiently distributed among entities that have established reputations and exposure within their respective fields.

As to claim 22:

The combination of Bezos with Goedken does not specifically teach at least one of an ad hoc report and a canned report.

Yokell teaches at least one of an ad hoc report (*e.g., ad hoc reports*) and a canned report (*e.g., canned reports*) [see the discussion beginning at col.20, line 45].

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Yokell with Bezos as modified by Goedken because Yokell's teaching would have provided an efficient mechanism for exposing the merchant's Web site to the public, by encouraging others (associates) to set up outgoing links to the merchant's site and allowed the task of marketing the merchant's products to be efficiently distributed among entities that have established reputations and exposure within their respective fields.

Response to Arguments

6. Applicant's arguments filed 09/07/2007 have been fully considered but they are not persuasive.

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Applicant argues in substance that Bezos does not disclose “*allowing a user in communication with the website to create a plurality of event pages describing an event and a registration page associated with the event.*” Instead, in Bezos, potential associates can retrieve and interact with *existing* pages from the merchant website (e.g., pages containing registration instructions, the online application form), but cannot *create* any *new* pages [Remarks, pages 10 and 11].

In response, the detailed rejection above is modified to show the claim limitation. Bezos’ teaching “*the merchant Web site 106 includes automated enrollment software for allowing an entity to apply, via the Internet, to operate as an associate... the automated generation and assignment of a unique associate ID (also referred to herein as the "store ID") to an applicant, and (iv) the automated electronic transmission of referral link embedding instructions to the applicant...the enrolling associate is not required to have an established Web site at the time of enrollment...the computer program 144 automatically formats and transmits an electronic mail message to the e-mail address of the approved associate. This electronic mail message provides detailed information about setting up an associate's Web site, including instructions on how to create HTML documents with referral links*” is interpreted as read-on the limitation as claimed.

Applicant further argues in substance that *Bezos does not teach forwarding an event page to a participant of a participant group and forwarding a different event page to a participant of a different participant group*” [Remarks, pages 10 and 11].

In response, the Examiner believes that newly cited of Goedken, as combined with Bezos meets the limitations as claimed.

Conclusion

7. The prior art made of record, listed on PTO 892 provided to Applicant is considered to have relevancy to the claimed invention. Applicant should review each identified reference carefully before responding to this office action to properly advance the case in light of the prior art.

Contact information

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Maikhanh Nguyen whose telephone number is (571) 272-4093. The examiner can normally be reached on Monday - Friday from 9:00am – 5:30

pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doug Hutton can be reached at (571) 272-4137.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MN

William S. Bashore
WILLIAM BASHORE
PRIMARY EXAMINER